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September 10, 2024

**Via ECF**

The Honorable Sarah Netburn  
United States District Court  
Southern District of New York  
40 Foley Square, Room 430  
New York, New York 10007

Re: *Alexander Norris v. Marc Goldner, et al.*  
Case No. 19-cv-05491-PAE-SN

Dear Judge Netburn,

As Your Honor is aware, we represent Plaintiff Alexander Norris (“Plaintiff”) in the above-referenced matter and write today to request a sur-reply consistent with Your Honor’s Individual Practices In Civil Cases.

On July 26<sup>th</sup> 2024, Your Honor directed the parties to submit “...an **attorney** declaration that identifies by exhibit which documents were submitted to the Patent & Trademark Office and when.” Doc. No. 194. In contravention of Your Honor’s clear directive, Defendants submitted the Declaration of Marc Goldner (not an attorney) which attached several exhibits that were: a) not submitted to the Patent & Trademark Office and b) not clearly identified with the date of when those documents were created with the goal of mudding the already dense factual record in this Action. What’s more, for the first time during the parties’ damages briefing, a blurred “Wall Paper,” used as the background of a promotional poster featuring the “Blob” is now at the core of Defendants’ arguments against Plaintiff’s entitlement to statutory damages. Defendant used the “Blob” poster to promote the plush during a convention in October 2018. Plaintiff only seeks the sur-reply to clarify the timeline of Defendants infringement with respect to their submissions to the Patent & Trademark Office as any other references to Defendants use of Plaintiff’s intellectual property prior to the submissions are outside the scope of Your Honor’s July 26<sup>th</sup> 2024 Order.

Plaintiff thanks the Court for its attention to this matter.

September 10, 2024

Page 2

Sincerely,

*Francelina M. Perdomo-Klukosky*

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CC:

All Counsel Of Record Via ECF.